

May 2, 2018

VIA FOIAONLINE. REGULATIONS.GOV

U.S. Environmental Protection Agency
National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460
Phone: (202) 566-1667
Fax: (202) 566-2147

Re: Freedom of Information Act Request: Communications with Faegre Baker Daniels firm

Dear National Freedom of Information Officer:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, (FOIA), Friends of the Earth (FOE) hereby requests the following records from Headquarters of the U.S. Environmental Protection Agency (EPA):

I. Requested Record

- Any and all records held by the EPA Office of the Administrator of meetings between the EPA and employees of the law firm Faegre Baker Daniels that took place between January 1, 2017 and May 2, 2018;
- Any and all records held by the EPA Office of the Administrator of communications between the EPA and employees of the law firm Faegre Baker Daniels that were sent or received between January 1, 2017 and May 2, 2018.

II. Scope of request:

- For the purposes of this request, records of “meetings” includes, but is not limited to, meeting minutes, presentations (including slides), exhibits, notes, transcripts, or other materials either presented to EPA by employees of Faegre Baker Daniels, or presented by EPA to Faegre Baker Daniels during the meeting, shared in advance before the meeting, or provided to/from EPA as follow-up to the meeting.
- For the purposes of this request, “communications” includes letters and emails as well as their attachments, between EPA and the law firm Faegre Baker Daniels, particularly those involving any email address ending in “@faegreBD.com.”

III. Claims of Exemption from Disclosure

If you regard any documents as exempt from required disclosure under FOIA, please exercise your discretion to disclose them nevertheless, keeping in mind that FOIA “is the most prominent expression of a profound national commitment to ensuring an open Government” and that “[a]ll agencies should adopt a presumption in favor of disclosure.”

President Barack Obama, Memorandum For the Heads of Executive Departments and Agencies: Freedom of Information Act, 74 Fed. Reg. 4, 863 (Jan. 26, 2009).

In the alternative, after careful review for the purpose of determining whether any of the information is exempt from disclosure, please provide all reasonably non-exempt portions of records and communications as required by FOIA.

Should you elect to invoke an exemption, please provide the required full or partial denial letter and sufficient information to determine whether or not there may be grounds to appeal EPA's decision. In accordance with the minimum requirements and regulations of due process, this information should include:

- a. Basic factual material, including the originator, date, length, and addresses of the withheld items.
- b. Explanations and justifications for denial, including the identification of the exemption applicable to the withheld information or portions of the information found to be subject to exemption, and how each exemption applies to the withheld material.

IV. Requests for Clarification

Lastly, if any part of this request can be clarified, or if the scope of the request can be narrowed to facilitate EPA's response, I invite you to contact me directly, either over phone or email, to discuss the most expeditious way that the EPA's legal obligations under FOIA may be met.

Thank you,

Lukas Ross
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